

Senate Study Bill 3117 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON APPEL)

A BILL FOR

1 An Act relating to elections by eliminating double election
2 boards and by requiring the commissioner of elections, upon
3 petition, to use automatic tabulating equipment in certain
4 elections and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DOUBLE ELECTION BOARDS

Section 1. Section 39A.5, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section ~~51.11~~ or 53.23.

Sec. 2. Section 43.5, Code Supplement 2009, is amended to read as follows:

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, ~~51~~, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 3. Section 49.12, Code 2009, is amended to read as follows:

49.12 Election boards.

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. ~~Double election boards may be appointed for any precinct as provided by chapter 51. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed,~~ shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

Sec. 4. Section 49.13, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The commissioner shall designate one member of each precinct election board as chairperson of that board. ~~If a~~

1 ~~counting board authorized by chapter 51 is appointed, the~~
2 ~~chairperson shall have authority over the mechanics of the work~~
3 ~~of both boards.~~ At the discretion of the commissioner, two
4 people who are members of different political parties may be
5 appointed as co-chairpersons. The co-chairpersons shall have
6 joint authority over the work of the precinct election board.

7 Sec. 5. Section 49.25, subsection 3, Code Supplement 2009,
8 is amended to read as follows:

9 3. The commissioner shall furnish to each precinct the
10 necessary ballot boxes, suitably equipped with seals or locks
11 and keys, and voting booths. The voting booths shall provide
12 for voting in secrecy. At least one voting booth in each
13 precinct shall be accessible to persons with disabilities.
14 Ballot boxes shall be locked or sealed before the polls open
15 and shall remain locked or sealed until the polls are closed,
16 ~~except as provided in section 51.7 or to provide necessary~~
17 ~~service to malfunctioning automatic tabulating equipment.~~ If
18 a ballot box is opened prior to the closing of the polls, two
19 precinct election officials not of the same party shall be
20 present and observe the ballot box being opened.

21 Sec. 6. Section 49.104, subsection 3, Code 2009, is amended
22 to read as follows:

23 3. Any number of persons not exceeding three at a time from
24 each of such political parties, appointed and accredited in the
25 same manner as above prescribed for challenging committees, to
26 witness the counting of ballots. ~~Subject to the restrictions~~
27 ~~of section 51.11, the witnesses may observe the counting of~~
28 ~~ballots by a counting board during the hours the polls are open~~
29 ~~in any precinct for which double election boards have been~~
30 ~~appointed.~~

31 Sec. 7. Section 331.383, Code Supplement 2009, is amended
32 to read as follows:

33 **331.383 Duties and powers relating to elections.**

34 The board shall ensure that the county commissioner of
35 elections conducts primary, general, city, school, and special

1 elections in accordance with applicable state law. The
 2 board shall canvass elections in accordance with sections
 3 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29,
 4 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and
 5 376.9. The board shall prepare and deliver a list of persons
 6 nominated in accordance with section 43.55, provide for a
 7 recount in accordance with section 50.48, provide for election
 8 precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8,
 9 and 49.11, pay election costs as provided in section 47.3,
 10 participate in election contests as provided in sections 62.1A
 11 and 62.9, and perform other election duties required by state
 12 law. The board may ~~authorize additional precinct election~~
 13 ~~officials as provided in section 51.1,~~ provide for the use of
 14 an optical scan voting system as provided in sections 52.2,
 15 52.3, and 52.8, and exercise other election powers as provided
 16 by state law.

17 Sec. 8. REPEAL. Sections 51.1, 51.2, 51.3, 51.4, 51.5,
 18 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14,
 19 Code 2009, are repealed.

20 Sec. 9. REPEAL. Section 51.15, Code Supplement 2009, is
 21 repealed.

22 DIVISION II

23 USE OF AUTOMATIC TABULATING

24 EQUIPMENT AT CERTAIN ELECTIONS

25 Sec. 10. Section 49.26, subsection 2, paragraph b, Code
 26 Supplement 2009, is amended to read as follows:

27 b. If the commissioner concludes, pursuant to paragraph
 28 "a", that voting will probably be so light as to make counting
 29 of ballots by the precinct election officials less expensive
 30 than preparation and use of automatic tabulating equipment,
 31 paper ballots ~~shall~~ may be used, subject to paragraph "c".
 32 The If paper ballots are used, the commissioner ~~may~~ shall
 33 ballots and instructions similar to those used when the ballots
 34 are counted by automatic tabulating equipment.

35 Sec. 11. Section 49.26, subsection 2, Code Supplement 2009,

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. *c.* Notwithstanding a determination by
3 the commissioner pursuant to paragraph "b", upon receipt
4 of a petition signed by not less than one hundred eligible
5 electors, the commissioner shall count the ballots at an
6 election described in paragraph "a" using automatic tabulating
7 equipment.

8 Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 EXPLANATION

12 The bill makes changes to the election laws relating to
13 double election boards and to the use of automatic tabulating
14 equipment in certain elections.

15 Division I of the bill eliminates the option of the county
16 commissioner of elections to appoint a double election board
17 under Code chapter 51. The bill makes conforming amendments.

18 Division II of the bill amends Code section 49.26 to provide
19 that the use of conventional paper ballots at certain elections
20 that the county commissioner of elections has determined will
21 have low voter turnout is discretionary with the commissioner.
22 Under current law, if the county commissioner makes such
23 a determination, the use of conventional paper ballots is
24 required. The Code section is also amended to require the
25 county commissioner, when using conventional paper ballots
26 in an election, to use ballots and instructions similar to
27 those used at elections using automatic tabulating equipment
28 (i.e., optical scan equipment). The division further amends
29 Code section 49.26 to provide that the county commissioner
30 is required to use automatic tabulating equipment at those
31 elections if the commissioner receives a petition signed by
32 not less than 100 eligible electors requesting that automatic
33 tabulating equipment be used at the election.

34 The division takes effect upon enactment.